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## BLOGS EDITORIAL PAGE

### You be the jury

Jul 19, 2006

Michigan's Supreme Court is looking for ways to make jury duty less daunting. Among the proposals: Let jurors take notes, request field trips to crime or evidence scenes, and question witnesses. You can read more about the proposals in [Brian Dickerson's column](#) or on the [court's web site](#). What do you think? Should jurors be able to take a more active role in trials? Would that make people more likely to serve? Would that allow them to retain their role as objective evaluators of the evidence lawyers present? Would it make trials more thorough and fair or turn juries into prosecution or defense witnesses? Some of these ideas are intriguing, and Chief Justice Clifford Taylor told Dickerson that similar proposals in other states have "worked wonderfully." Do you think they would work here?

Comment by [John Thompson](#) | Jul 19, 2006 11:27:34 AM

I thought the role of sitting on a jury was to determine whether a defendant was guilty or not in a criminal case, or whether a plaintiff should be awarded



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damages in a civil case or not, not to be entertained and be able to take field trips....are they going to start serving popcorn to the jury too? let's turn off law and order for a few minutes and just keep focusing on ways to better ensure correct justice in a courtroom.

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**Comment by [lordxixor101](#) | Jul 19, 2006 1:37:40 PM**

Some of these rules make a lot of sense. Many people take notes everywhere (if I have to do something when I get home from work tonight, I am going to make a note of it). Yet, if your sitting on a jury (especially one where the fate of someone is on the line), why wouldn't you take notes? I don't see how talking about a trial while on break also hurts the integrity of it either. People are already formulating the evidence in their mind long before the jury room, I doubt very many jurors will do any hardcore deliberating on a break anyway.

I fear the "field trip" option is going to put a lot of heat on this proposal. Yet, I'll be shocked if this is used too often. How often is a jury really going to want to go to a scene of the crime, unless it's really going to help? Most jurors have jobs and places they would rather be, they are more interested in getting the trial over with. So, if they are requesting to go, there is probably a really good reason for it.

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**Comment by [Straighttalker](#) | Jul 19, 2006 11:07:18 PM**

...No, the thought of some Conservative or Liberal experiment with our judicial system would not work in my opinion. I agree with John.

..The idea that some know-it-all dweeb sitting next to me in the jury box would be questioning witnesses would be torture....I can only imagine.....

Defense Attorney: Dr. Smith, is it your contention that the trajectory of the 38 caliber bullet could have come only from the direction where my client was standing?

Dr. Smith: Yes, according to the blood splatter patterns and the position of the body as it fell to the ground, it would be my professional opinion that your client was in the general area of the actual firing.

Defense Attorney: Your Honor, according to the Doctor's own testimony, I submit.....Ahh your Honor, juror number 7 has his hand up.



Judge: Dweeb, did you have a question?

Dweeb: Yes your Honor, during episode number 8 on CSI Miami,..no wait a second, it was CSI Las Vegas, one of the blood splatter experts came to the similar conclusion that Dr. Smith came to in his testimony.....

Judge: Dweeb.

Dweeb: Yes your Honor.

Judge: Please sit down and don't interrupt again until the end of the testimony.

Gimmee a break, once you accept notes you'll open up an endless can of worms. People will request computer notepads, calculators, tape recorders, videotape of the trial to study. Plus, if I'm on the jury in a notorious murder case, I want to take a field trip. Oh oh, now I'm hungry, I need something to eat, can you guys wait a second, now I've got to go to the bathroom.....and on....and on..Cha Ching, Cha Ching... forget about it..

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**Comment by [EduCrat](#) | Jul 20, 2006 8:46:27 PM**

Jurors should definitely be allowed to take notes. It just makes sense.

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**Comment by [Dan](#) | Jul 20, 2006 10:40:47 PM**

I can't imagine anything more \*daunting\* than sitting on a jury, where 12 amateur litigators try to out-do each other with their astute questions. To me, the Michigan Supreme Court is proposing a bad solution to a non-existent problem.

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**Comment by [Doug](#) | Jul 21, 2006 9:05:33 AM**

The role of the jury does not encompass investigation or "field trips" - this is the job and responsibility of the lawyers.

However, the ability to ask questions for the purpose of clarifying unfamiliar technical terms and so forth is a reasonable request.

Letting a jury take notes sounds reasonable on the surface, but may result in

laziness and inattention toward the actual proceedings.

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**Comment by [Alicia C Simpson](#) | Jul 23, 2006 8:04:55 AM**

Many states do allow juries to travel to crime scenes and it doesn't get in the way of jurisprudence.

As for taking note, the only fear is that a juror might miss some testimony while they concentrate on writing things down. However, given the experience of schools (students take notes all the time, in fact, they are encouraged to), it would seem unlikely that any juror would miss much. The added benefit for a note on memory would likely outweigh that objection.

Of course, the problem is most people have no idea how to take notes. They try to write down everything when the idea is to write down only enough to trigger the memory.

Lastly, I seriously doubt anyone will bring up a science fiction show like CSI: Miami and its brethren in the middle of a trial. If they did, the judge could simply point out that it is fiction and should not be considered.

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**Comment by [The Sarcasticynic](#) | Jul 23, 2006 11:00:15 AM**

Eventually, all juries will be made up of fans of reality TV if this plays out. So much for a jury of ones peers.

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**Comment by [Julia](#) | Jul 25, 2006 1:53:32 PM**

I work in a courtroom and the reason many judges do not allow jurors to take notes is because most of them will end up writing their grocery list or something unrelated to the case. Plus, if one juror is really insistent on using his/her notes during deliberation, people tend to focus more on the notes than what they remember from testimony. Lastly, it is a judge's discretion whether or not to allow note taking. Many do allow jurors to take notes if it is going to be a long trial.

I do not agree with the Supreme Court's rationale. Are they implying that juries are not finding the truth on their own? It is the job of the attorneys to present the case. It is not the job of the juror to go fact-finding on their own.

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